

EXHIBIT A

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Attorneys for Plaintiff
6 JOHN TENNISON

7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9

10 JOHN TENNISON,

11 Plaintiff,

12 v.

13 CITY AND COUNTY OF
14 SAN FRANCISCO; SAN FRANCISCO
POLICE DEPARTMENT; PRENTICE EARL
15 SANDERS; NAPOLEON HENDRIX; and
GEORGE BUTTERWORTH,
16

Defendants.
17

Case No. C 04-00574 CW

**PLAINTIFF JOHN TENNISON'S
INITIAL DISCLOSURE OF WITNESSES
AND DOCUMENTS**

Fed. R. Civ. P. 26(a)(1); Civil L.R. 16-5

Pursuant to Federal Rule of Civil Procedure 26 and Civil Local Rule 16-5 of this Court, plaintiff John Tennison ("Tennison") hereby makes this initial disclosure.

GENERAL QUALIFICATIONS

Tennison's investigation into the facts of this case is ongoing. This disclosure provides information that is currently known and available to Tennison after a good-faith inquiry and investigation. By identifying potential witnesses in this initial disclosure, Tennison makes no representation or admission concerning the knowledge or competence of any individual identified. Likewise, by identifying documents or categories of documents in this initial disclosure, Tennison makes no representation or admission concerning the documents' relevance to this case.

Tennison reserves the right to supplement or amend this initial disclosure as additional information becomes available.

INITIAL DISCLOSURE

A. RULE 26(a)(1)(A): WITNESSES

Tennison hereby discloses the following names and contact information for individuals who may have discoverable information regarding material facts relevant to this claims in this action:

1. **John Tennison**
525 N. San Mateo Drive
Apartment 303
San Mateo, CA 94401
(650) 548-1558

Tennison is the plaintiff in this case, and possesses information about his investigation, arrest, and prosecution for the homicide of Roderick Shannon.

2. **Prentice Earl Sanders**
129 Teceira Way
Folsom, CA 95630

Sanders was one of the lead investigating officers supervising the San Francisco Police Department Gang Task Force generally and the SFPD investigation into the homicide of Roderick Shannon specifically. Tennison believes that Sanders possesses information regarding Shannon's murder and the police investigation into that murder, including contact with purported

1 eyewitnesses to the murder and the handling and disclosure to defense counsel of evidence
2 related to the murder, as well as the formation, operation, and supervision by San Francisco City
3 and County officials of the Gang Task Force.

4 3. **Napoleon Hendrix**
 13265 Claire Pointe Way
5 Oakland, CA 94619

6 Hendrix was one of the lead investigating officers supervising the San Francisco Police
7 Department Gang Task Force generally and the SFPD investigation into the homicide of
8 Roderick Shannon specifically. Tennison believes that Hendrix possesses information regarding
9 Shannon's murder and the police investigation into that murder, including contact with purported
10 eyewitnesses to the murder and the handling and disclosure to defense counsel of evidence
11 related to the murder, as well as the formation, operation, and supervision by San Francisco City
12 and County officials of the Gang Task Force.

13 4. **George Butterworth**
 Hall of Justice
14 880 Bryant Street, Room 325
 San Francisco, CA 94103
15 (415) 553-1752

16 Butterworth prosecuted Tennison for the murder of Roderick Shannon. Tennison
17 believes that Butterworth possesses information regarding that murder and the police
18 investigation into that murder, including contact with purported eyewitnesses to the murder and
19 the handling and disclosure to defense counsel of evidence related to the murder.

20 5. **Chante Smith**
 Current address unknown
21 (925) 432-9511

22 Smith was an eyewitness to Lovinsky Ricard's murder of Roderick Shannon. Tennison
23 believes that Smith possesses information regarding Shannon's murder and the police
24 investigation into that murder.

25 6. **Luther Blue**
 Current address unknown
26

27 Blue was an eyewitness to Lovinsky Ricard's murder of Roderick Shannon. Tennison
28 believes that Blue possesses information regarding Shannon's murder and the police

1 investigation into that murder.

- 2 7. **Masina Fauolo**
 Current address unknown

3
 4 Fauolo testified for the prosecution at Tennison's trial. Tennison believes that Fauolo
 5 possesses information regarding the police investigation of the murder of Roderick Shannon,
 6 including her numerous direct contacts with Hendrix, Sanders, and Butterworth; and her
 7 telephone conversation with Pauline Maluina following the polygraph examination of Maluina.

- 8 8. **Pauline Maluina**
 2975 Laning Road
 San Diego, CA 92106

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 10 Maluina testified for the prosecution at Tennison's preliminary hearing and trial. She
 11 twice recanted her testimony, once prior to the preliminary hearing and once after Tennison's
 12 conviction. Tennison believes that Maluina possesses information regarding the police
 13 investigation of the murder of Roderick Shannon, including her direct contacts with Hendrix,
 14 Sanders, and Butterworth; her recantation of her alleged eyewitness testimony prior to
 15 Tennison's preliminary hearing; her polygraph examination; and her telephone conversation with
 16 Fauolo following her polygraph examination.

- 17 9. **Lovinsky Ricard**
 Current address unknown¹

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 19 Ricard confessed on tape to police that he, and not Tennison, killed Roderick Shannon.
 20 Tennison believes that Ricard possesses information regarding Shannon's murder and the police
 21 investigation into that murder, including his direct contacts with Hendrix and other police
 22 officers; and his interview with Tennison's trial counsel, Jeff Adachi.

- 23 10. **Michael Lewis**
 San Francisco Police Department
 850 Bryant Street
 San Francisco, CA 94103
 (415) 553-1551

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 26
 27 ¹ Ricard's address and telephone number are unknown to Tennison, but Tennison is informed
 28 and on that basis believes that Michael P. Farrell, Esq., Office of the Attorney General of the
 State of California, P.O. Box 944255, Sacramento, CA 94244, 916-324-5246, may have
 information regarding Ricard.

Lewis was one of two police officers assisting Hendrix and Sanders in the SFPD's investigation into the murder of Roderick Shannon. Tennison believes that Lewis possesses information regarding Shannon's murder and the police investigation into that murder, including contact with purported eyewitnesses to the murder and the handling and disclosure to defense counsel of evidence related to the murder, as well as the formation, operation, and supervision by San Francisco City and County officials of the Gang Task Force.

11. **Neville Gittens**
San Francisco Police Department
850 Bryant Street
San Francisco, CA 94103
(415) 553-1551

Gittens was one of two police officers assisting Hendrix and Sanders in the SFPD's investigation into the murder of Roderick Shannon. Tennison believes that Gittens possesses information regarding Shannon's murder and the police investigation into that murder, including contact with purported eyewitnesses to the murder and the handling and disclosure to defense counsel of evidence related to the murder, as well as the formation, operation, and supervision by San Francisco City and County officials of the Gang Task Force.

13. **Jeffrey Adachi**
San Francisco Office of the Public Defender
555 Seventh Street
San Francisco, CA 94103
(415) 553-1671

Adachi was Tennison's trial counsel. Tennison believes that Adachi possesses information regarding Tennison's prosecution for the murder of Roderick Shannon, including the evidence disclosed to defense counsel by the prosecution.

14. **Gerald J. McCarthy**
109 Bahama Reef
Novato, CA 94949
(415) 382-0871

Tennison believes that McCarthy possesses information regarding the homicide of Roderick Shannon and the police investigation into that homicide, including Hendrix's and Sanders's request of funds from the San Francisco Police Department's Secret Witness Program.

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15. **Lerma Pattugalan**
2158 Kinclair Drive
Pasadena, CA 91107

Pattugalan testified for the prosecution at Tennison's trial. Tennison believes that Pattugalan possesses information regarding the police investigation of the homicide of Roderick Shannon, including her direct contacts with Hendrix, Sanders, and Butterworth.

16. **Antoine Goff**
c/o Randolph E. Daar, Esq.
506 Broadway Street
San Francisco, CA 94133
(415) 986-5591

Goff was Tennison's co-defendant. Tennison believes that Goff possesses information about Goff's investigation, arrest, and prosecution for the homicide of Roderick Shannon.

17. **Barry Melton**
Public Defender of Yolo County
814 North Street
Woodland, CA 95695
(530) 666-8165

Melton served as trial counsel for Goff, Tennison's co-defendant. Tennison believes that Melton possesses information regarding Tennison's prosecution for the murder of Roderick Shannon, including the evidence disclosed to defense counsel by the prosecution.

B. RULE 26(a)(1)(B): DOCUMENTS

Subject to and without waiving the General Qualification listed above, Tennison is in possession of the following categories of documents which may tend to support his claims in this action:

1. Portions of the case file of the San Francisco Office of the District Attorney in the *People v. Tennison* case:

- a. Notes, memoranda, audiotapes, transcripts, and videotapes concerning witness interviews;
- b. Photographs of witnesses and physical evidence;
- c. Transcripts of hearings;
- d. Pleadings filed in the Superior Court and Juvenile Court;
- e. Notes and memoranda; and

1 wrongful conviction and imprisonment for nearly 14 years.

2 Tennison's damages, which include, but are not limited to, lost earnings, damages for
3 false imprisonment and the resulting psychological harm therefrom, and punitive damages, will
4 be the subject of expert testimony, which will be made available to defendants at the appropriate
5 time designated by the Court.

6 **D. RULE 26(a)(1)(D): INSURANCE**

7 Not applicable.

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9 Dated: June 9, 2004

KEKER & VAN NEST, LLP

10
11 By: 

12 DANIEL PURCELL
13 Attorneys for Plaintiff
14 JOHN TENNISON
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PROOF OF SERVICE

I am employed in the City and County of San Francisco, State of California in the office of a member of the bar of this court at whose direction the following service was made. I am over the age of eighteen years and not a party to the within action. My business address is Keker & Van Nest, LLP, 710 Sansome Street, San Francisco, California 94111.

On June 9, 2004, I served the following document(s):

**PLAINTIFF JOHN TENNISON'S INITIAL DISCLOSURE OF
WITNESSES AND DOCUMENTS**

X by **COURIER**, by placing a true and correct copy in a sealed envelope addressed as shown below, and dispatching a messenger from Worldwide Network, with instructions to hand-carry the above and make delivery to the following during normal business hours, by leaving the package with the person whose name is shown or the person authorized to accept courier deliveries on behalf of the addressee.

James A. Quadra, Esq.
Lisa-Anne M. Wong, Esq.
Moscone, Emblidge & Quadra, LLP
180 Montgomery Street, Suite 1240
San Francisco, CA 94104

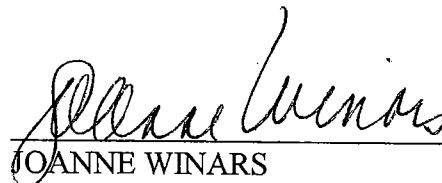
Evan H. Ackiron
Deputy City Attorney
Office of the City Attorney
1390 Market Street, 6th Floor
San Francisco, CA 94102-5408

Attorneys for Defendants
Prentice Earl Sanders and Napoleon Hendrix

Attorneys for Defendants
George Butterworth and
The City and County of San Francisco

Executed on June 9, 2004, at San Francisco, California.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.


JOANNE WINARS